

**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION**

Docket No. \_\_\_\_\_

Applicant, Patentee, or Identifier: Ivo Glynne GUT et al.  
 Application No.: 09/555,971  
 Application Filed:  
 International Application No.: PCT/EP98/07909  
 International Filing Date: December 4, 1998  
 Title: Method for Identifying Nucleic Acids by Electro-Spray Mass Spectrometry

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION: **Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.**  
 ADDRESS OF NONPROFIT ORGANIZATION: **Berlin, Germany**

TYPE OF NONPROFIT ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE \_\_\_\_\_)  
 (CITATION OF STATUTE \_\_\_\_\_)  
☒ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
 IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
 STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE \_\_\_\_\_)  
 (CITATION OF STATUTE \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern, or organization is listed below.

**Epigenomics GmbH**  
**Kastanienallee 24**  
**10435 Berlin, Germany**

(small business concern)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Christa Herzog  
 TITLE IN ORGANIZATION OF PERSON SIGNING Head of patent department  
 ADDRESS OF PERSON SIGNING: Hofgartenstr. 8, 80539 München

SIGNATURE Christa Herzog DATE 5.10.2000  
 Christa Herzog

0955971-11400

## BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

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## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

METHOD FOR IDENTIFYING NUCLEIC ACIDS BY ELECTRO-SPRAY MASS SPECTROMETRY

Fill in Appropriate  
 Information -  
 For Use Without  
 Specification  
 Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on June 5, 2000United States Application Number 09/555,971

and amended on \_\_\_\_\_ (if applicable) and/or

the specification was filed on December 4, 1998International Application Number PCT/EP98/07909 as PCT

amended under PCT Article 19 on \_\_\_\_\_; and was

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

Insert Priority  
 Information:  
 (if appropriate)

97121470.5

(Number)

European Patent

(Country)

December 5, 1997

(Month/Day/Year Filed)

☒☐

Yes

No

97121983.7

(Number)

European Patent

(Country)

December 12, 1997

(Month/Day/Year Filed)

☒☐

Yes

No

(Number)

(Country)

(Month/Day/Year Filed)

☐☐

Yes

No

(Number)

(Country)

(Month/Day/Year Filed)

☐☐

Yes

No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
 Application(s):  
 (if any)

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country

Application Number

Date of Filing (Month/Day/Year)

Insert Requested  
 Information:  
 (if appropriate)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
 Application(s):  
 (if any)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart	(Reg. No. 21,066)	Terrell C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slaterry	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
John W. Bailey	(Reg. No. 32,881)	John A. Castellano	(Reg. No. 35,094)
Gary D. Yacura	(Reg. No. 35,416)		

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or

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Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

GIVEN NAME/FAMILY NAME <u>Ivo Glynne GUT</u>		INVENTOR'S SIGNATURE <u>Ivo Glynne Gut</u>	DATE* <u>3. October 2000</u>
Residence (City, State & Country) <u>Paris, France</u> <b>FRX</b>		CITIZENSHIP <u>Swiss/British</u>	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <u>18 rue du Moulin Vert, 75014 Paris, France</u>			
GIVEN NAME/FAMILY NAME <u>Kurt BERLIN</u>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <u>Stahnsdorf, Germany</u> <b>DEX</b>		CITIZENSHIP <u>German</u>	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <u>Marienkaferweg 4, 14532 Stahnsdorf, Germany</u>			
GIVEN NAME/FAMILY NAME <u>Hans LEHRACH</u>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <u>Berlin, Germany</u> <b>DEX</b>		CITIZENSHIP <u>Austrian</u>	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <u>Lutzelsteinerweg 50, 14195 Berlin, Germany</u>			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			

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Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
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Full Name of First  
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Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Ivo Glynne GUT			02/10/30
Residence (City, State & Country)		CITIZENSHIP	
Paris, France		Swiss/British	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
18 rue du Moulin Vert, 75014 Paris, France			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Kurt BERLIN			00/10/30
Residence (City, State & Country)		CITIZENSHIP	
Stahnsdorf, Germany		German	
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GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Hans LEHRACH			
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GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
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YOU MUST  
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Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

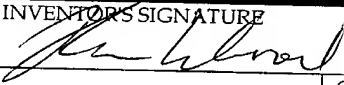
Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

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Ivo Glynne GUT					
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18 rue du Moulin Vert, 75014 Paris, France					
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GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE		DATE*	
Hans LEHRACH				1 Nov 2000	
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Residence (City, State & Country)				CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)					

\*DATE OF SIGNATURE